

REMARKS

A form PTO 1449 was filed on 5 January 2006. The applicant respectfully requests an initialed copy of the form PTO-1449 at the examiner's next opportunity.

Claims 1 and 3 – 6 are pending. Claims 2 and 7 – 13 have been canceled. The applicant respectfully requests reconsideration and allowance of this application in view of the above amendments and the following remarks.

Claims 1 – 13 were rejected under 35 USC 102(b) as being anticipated by U.S. Patent No. 6,282,492, Gorai et al. (“Gorai”). Claim 1 has been amended to incorporate claim 2, and claim 2 has been canceled. The applicant respectfully requests that this rejection be withdrawn for the following reasons, which are provided by way of example.

Independent claim 1 recites, in combination, for example, that “the route guidance executing unit designates road data relevant to the guidance route data from the road data read by the storage medium managing unit through executing, using a map matching technology, matching between the road shape data received by the communications unit and the road shape data read by the storage medium managing unit.”

The examiner alleges that, in Gorai, the navigation center 150 sends to the navigation apparatus 100, in a vehicle, the “road shape data and road attribute data”, citing Gorai, Col. 19, lines 57 – Col. 21, line 11, and Col. 21, lines 35 – 48. However, what is sent from the center to the vehicle is only “intersection specifying data which contains intersection coordinates of the specified intersections (traveling intersections).” Col. 19, lines 23 – 25. (See also Col. 19, lines 50 – 54.) Moreover, according to Gorai, the intersection data is produced based on the node data, illustrated in FIG. 6(b) (Col. 19, lines 23 – 27).

During patent examination, the pending claims must be given the broadest reasonable interpretation consistent with the specification. *In re Morris*, 127 F.3d 1048, 1054, 44 USPQ2d 1023, 1027 (Fed. Cir. 1997). When the specification states the meaning that a term in the claim is intended to have, the claim is examined using that meaning, in order to achieve a complete exploration of the applicant's invention and its relation to the prior art. *In re Zletz*, 893 F.2d 319, 13 USPQ2d 1320 (Fed. Cir. 1989). *In re Prater*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969) (The court explained that "reading a claim in light of the specification, to thereby interpret limitations explicitly recited in the claim, is a quite different thing from 'reading limitations of the specification into a claim,' to thereby narrow the scope of the claim by implicitly adding disclosed limitations which have no express basis in the claim."). *In re Morris*, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997) (The "PTO applies to verbiage of the proposed claims the broadest reasonable meaning of the words in their ordinary usage as they would be understood by one of ordinary skill in the art, taking into account whatever enlightenment by way of definitions or otherwise that may be afforded by the written description contained in applicant's specification.").

The specification states that map data includes such as "node numbers, link numbers, road shape data, road width data, road type data, road numbers, road regulation data, land form data, mark data, intersection data, and facility data." Page 7, lines 22 – 24. Moreover, the specification states that "the road shape data included in the guidance route data and the former-mentioned road data of the map data stored in the storage medium can be any data that can indicate a road shape such as shape point data. The shape point data is a plurality of coordinates indicating road shapes by using absolute coordinates of World Geodetic System (WGS)." (Page 9, line 28 – page 10, line 4.)

Clearly, the recited “road shape data” cannot be read so broadly as to encompass “intersection data”. Otherwise, the interpretation of the term “road shape data” would be completely inconsistent with the specification.

The office action asserts that Gorai discloses the invention as claimed. The office action argues that Gorai, Col. 19, lines 40 – Col. 20, line 11, teaches “matching between the road shape data received by the communications unit and the road shape data read by the storage medium managing unit. To the contrary, according to the cited portion of Gorai, for example, “the processor 101 performs a matching process using map information stored in the navigation apparatus 100 and the intersection specifying data received from the navigation center 150 (step S3). Specifically, such a matching process is carried out by judging whether or not intersection data for a traveling intersection specified by the received intersection specifying data is contained (or is considered to be contained) in the map information stored in the navigation apparatus 100.” There is no way for Gorai to perform map matching using “road shape data” and “road attribute data.”

Gorai fails to teach or suggest the invention, as presently claimed, when the claims are considered as a whole and interpreted consistent with the specification. In fact, the rejection can only be made when the claims are interpreted contrary to the specification. That is, the rejection is made because the examiner considers that “road shape data” encompasses “intersection data”. To interpret the term this broadly is completely inconsistent with the specification.

Gorai fails to teach or suggests, for example, “the route guidance executing unit designates road data relevant to the guidance route data from the road data read by the storage medium managing unit through executing, using a map matching technology, matching between

the road shape data received by the communications unit and the road shape data read by the storage medium managing unit.”

Gorai fails to teach or suggest, for example, at least these elements recited in independent claim 1. It is respectfully submitted therefore that independent claim 1 is patentable over Gorai. In addition, Gorai clearly fails to show other recited elements as well.

With respect to the rejected dependent claims, applicant respectfully submits that these claims are allowable not only by virtue of their dependency from independent claim 1, but also because of additional features they recite in combination.

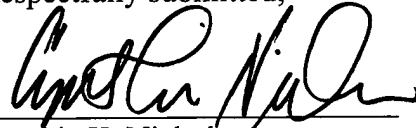
The applicant respectfully submits that, as described above, the cited references do not show or suggest the combination of features recited in the claims. The applicant does not concede that the cited references show any of the elements recited in the claims. However, applicant has provided specific examples of elements in the claims that are clearly not present in the cited references.

The applicant strongly emphasizes that one reviewing the prosecution history should not interpret any of the examples applicant has described herein in connection with distinguishing over the references as limiting to those specific features in isolation. Rather, for the sake of simplicity, applicant has provided examples of why the claims described above are distinguishable over the cited references.

In view of the foregoing, the applicant submits that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

If there is any problem with the payment of fees, please charge any underpayment and credit any overpayment to Deposit Account No. 50-1147.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Cynthia K. Nicholson', written over a horizontal line.

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